

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 4780 of 2005

Between:

S. Ramana, S/o. Tirumalayya,
Gooty Depot, Anantapur District.

..... PETITIONER

AND

- 1 The Depot Manager, APSRTC, Anantapur Depot, Anantapur.
- 2 The Dy. Chief Traffic Manager, APSRTC,

Anantapur Division, Anantapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the proceedings No. 03/2(6)/93-ATP dt. 14.6.1993 of the 1st respondent and proceedings No. PA/20(235)/93-DVM, A/SMO. A dt. 27-3-1996 of the 2nd respondent as illegal, arbitrary in violation of Principles of natural justice and in violation of Art. 14 and 21 of the constitution of India and consequentially direct the respondents to add one annual increment to the pay of the petitioner and pass such other or further order as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: S.SURENDRA KUMAR

Counsel for the Respondent Nos.1 and 2: MR.P.VINAYAKA SWAMY

The Court at the admission stage made the following:

ORDER:

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Declaring the action of the 1st respondent in imposing major penalty vide proceedings No.03/2(6)/93-ATP dated 14.06.1993, as illegal and arbitrary, the present writ petition is filed.

The petitioner is working as a Conductor in the respondent Corporation. He was charged for violation of the standing instructions issued, by the respondent Corporation. He submitted his explanation. The 1st respondent passed an order on 14.06.1993 without conducting any enquiry by imposing a penalty of deferment of annual increment for a period of one year, which shall have effect on future increments of the petitioner. The petitioner preferred an appeal to the 2nd respondent and the same was rejected. Hence the writ petition.

2. The grievance of the petitioner is that since it is a major punishment, it cannot be maintained unless it is imposed after holding an enquiry and giving an opportunity to the petitioner. Therefore, he approached this Court through this writ petition to declare that the action of the respondents is illegal and to direct the respondents to add the deferred increment.

3. It is well settled that denial of increments with cumulative effect tantamount to a major penalty, and such penalty cannot be imposed by the disciplinary authority without holding a regular departmental enquiry in terms of relevant service regulations.

4. Having regard to the facts and circumstances of the case, the punishment of major penalty of deferment of annual increment for a period of one year with cumulative effect, imposed by the

1st respondent, can be reduced with slight modification. Therefore, the impugned order of punishment is modified as deferment of annual increment for a period of one year without cumulative effect. The petitioner is not entitled for the difference of the amount, if any, by virtue of this Order, but he is entitled to get the increment on notional calculation from the date of this Order, to which, he is entitled.

5. The writ petition is, accordingly, disposed of. No costs.

Dated: 11.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Depot Manager,
APSRTC, Anantapur Depot,
Ananthapur

2. The Deputy Chief Traffic Manager,
APSRTC, Anantapur Division,
Ananthapur

3. Two CD copies

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